

NAYS—Messrs. Hill, Lytle, McAnelly, Millican, Potter and Wren—6.

Mr. Bryan offered the following resolution :

Resolved, That the committee on Internal Improvements be instructed and required to report to the Senate, on to-morrow morning, a bill granting sixteen sections of land of the alternate sections on the Pacific Railroad to two railroads, one extending from Galveston Bay, the other extending from Matagorda or Lavaca Bay, to intersect the Pacific Railroad.

Mr. Scott moved to strike out "to-morrow morning," and insert "as early as convenient."

Mr. Gage moved to lay the resolution and amendment on the table; lost.

Mr. Scott's amendment was then adopted by the following

YEAS—Messrs. Allen, Armstrong, Burks, Doane, Durst, Edwards, Gage, Guinn, Keenan, Kyle, Lott, Martin, Millican, Newman, Paschal, Pedigo, Scott, Superviele, Taylor, Weatherford and Whitaker—21.

NAYS—Messrs. Bryan, Hill, Lytle, McAnelly, Potter, Scarborough, Sublett and Wren—8.

Mr. Kyle offered the following amendment to Mr. Bryan's resolution :

"And that all other railroads be entitled to like donations and like privileges of connection;" adopted.

Mr. Scott moved to strike out "alternate sections on the Pacific Railroad;" carried.

Mr. Bryan's resolution was then adopted.

On motion of Mr. Guinn, the Senate adjourned until to-morrow morning at 9 o'clock.

WEDNESDAY, December 7, 1853.

The Senate was called to order pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

On motion of Mr. Hill, Mr. McDade was excused from attendance on account of indisposition.

Mr. Bryan presented the petition of Joseph P. Pritchard, asking relief; referred to the committee on Public Debt.

Mr. Scott, from the committee on Counties and County Boundaries, to whom was referred a bill requiring the counties of Wood, Van Zandt and Kaufman to pay a part of the old debt of Henderson county, reported back to the Senate that the commit-

tee had failed to come to any agreement as to the proper adjustment of the matter, and asked to be discharged from the further consideration of the same.

Mr. Scott, chairman of the committee on Finance, to whom was referred a bill to amend an act to organize county courts, approved 16th March, 1848, reported the same back to the Senate, and recommended its passage.

Mr. Scott, chairman of said committee, also reported back to the Senate a substitute for a bill to fix and establish the annual pay of the officers of the State of the Texas, and recommended it to the favorable consideration of the Senate.

Mr. Paschal, chairman of the committee on Internal Improvements, made the following report :

To the Hon. M. D. K. TAYLOR,

President of the Senate :

SIR: In obedience to a resolution of the Senate, of the 6th inst., the committee on Internal Improvements have instructed me to report a bill to encourage the construction of railroads in Texas by donations of lands.

The bill provides for the donation of sixteen sections of land for each and every mile of railroad constructed within the limits of Texas. The resolution of the Senate left the committee without discretion as to quantity, but they have endeavored to throw around the bill such guards and restrictions as they believe necessary for the interest of the State and of the companies. The companies in no case are to receive a grant of land till after a section of road of twenty-five miles shall have been fully completed and put in running order. In all cases the lands donated, as also an equal quantity for the use of the State, are to be surveyed at the expense of the company. These surveys are required to be made in blocks not less than six miles square, unless prevented by previous surveys, or a navigable stream, and the odd sections to be patented to the company, and the even sections reserved to the use of the State. The privilege is accorded to any company, having put under contract as much as twenty-five miles of its road, of surveying eight hundred sections of the public domain, before the completion of such section, and that the application on the part of the company, to survey such land, shall exempt the same from location or entry, or from any pre-emption privilege. But to enjoy this right, the company is required to file with the Treasurer of the State a bond, with good and sufficient surety, in the sum of \$10,000, that the surveys will be faithfully executed within the time limited for the con-

struction of such section. In case of failure, the bond is to be summarily forfeited to the use of the State, and the lands so applied for are to revert back to the class of public domain, and will again be subject to location and entry.

To the company, the privilege is an important one, as it enables the company to receive its patents immediately after the completion of the section of twenty-five miles, without the necessity of waiting till the surveys can be made, and as the lands are required as a basis of credit for the companies, it is important they should have the patents at as early a day as possible. Strictly guarded as the privilege is, it is believed no injury can result to the State. It is not likely that any company would execute the bond which did not intend to make the surveys, nor would any company make the surveys which was not certain of completing the section of road.

Your committee think it would be well to avoid the delays and expense of recording the field-notes in the office of the district surveyor. The bill therefore provides that the field-notes shall be returned to and filed with the Commissioner of the General Landoffice. This has been the mode heretofore pursued in relation to the field-notes of some of the colonies, and it is found to work well.

It is provided that the provisions of this act shall not extend to any road for more than a single track, with the necessary turnouts; and that any road accepting the benefits of the donation of sixteen sections, shall be entitled to no donation of lands for the construction of any of its branches. Your committee believe the provision necessary to guard against the great number of conflicting branch roads heretofore granted.

Your committee submit the bill to the Senate, such as it is, and earnestly hope that if it does not contain all the safeguards which the wisdom of the Senate may suggest, that it may be amended and passed with the main provisions.

They entertain the confident belief that the passage of the bill will greatly promote the construction of railroads within our limits, and thereby develop the resources of our fertile and rapidly increasing State.

All of which is submitted.

I. A. PASCHAL.

A bill to encourage the construction of railroads by donations of land; read first time, and, on motion of Mr. Potter, 200 copies ordered to be printed.

Mr. Pedigo introduced a bill concerning the Alabama Indians; read first time.

Mr. Wren introduced a bill to define the Lamar county land district; read first time.

Mr. Burks introduced a bill to incorporate the McKenzie Institute, in Red River county; read first time.

Mr. Holland introduced a bill to incorporate Mamis Bluff Turnpike Company; read first time.

Mr. Lott, from the committee on Public Lands, to whom was referred the petition of sundry citizens of the town of Ysleta, in the county of El Paso, reported back to the Senate the following bills and recommended their passage:

A bill for the relief of the inhabitants of the town of Ysleta, in the county of El Paso; and

A bill to relinquish to the inhabitants of Ysleta, in El Paso county, a certain tract of land adjoining the town tract, now held and owned by said inhabitants; each read first time.

On motion of Mr. Edwards, a bill to dispose, by entry, sale, survey and patent, of small tracts or fractions of the public domain, consisting of not exceeding 160 acres each, confined on all, or at least two sides, by pre-existing lines of other surveys or grants, was taken from the table and placed among the orders of the day.

Mr. Sublett introduced a bill to provide for a partial disposition of the alternate sections of land reserved by the State, in an act to provide for the construction of the Pacific Railroad; read first time.

The following bills, originating in the House, were severally read first time:

A bill to incorporate the Mound Prairie Institute;

A bill to incorporate the Indian Creek Academy;

A bill authorizing two copies of the seal of the Supreme Court to be made for the use of said Court;

A bill to incorporate Jackson Division, No. 9, Sons of Temperance;

A bill authorizing and requiring the Commissioner of the General Landoffice to issue a patent to the assignee of James O. Rice, for lot No. 4, in block No. 98, in the City of Austin;

A bill to incorporate the New Danville Masonic Female Academy;

A bill to incorporate the Linden Male and Female Academy and Masonic Hall; and

A bill to amend the fifth section of an act to regulate ferries, approved January 23d, 1850.

A bill relating to surveys of land in certain cases; read second time and ordered to be engrossed.

A bill supplementary to an act to establish the New Orleans, Texas and Pacific Railway Company, for the extension of the New Orleans, Algiers and Opelousas Railway, through Texas, approved February 16th, 1852; read second time and ordered to be engrossed.

A bill to incorporate the Texas and Red River Telegraph Company; read second time, and, on motion of Mr. Potter, laid on the table.

A message was received from the House, informing the Senate that the House had passed a bill to incorporate Anson Lodge, No. 29, I. O. O. F. Also transmitting to the Senate a communication and accompanying documents from the Governor.

A bill for the relief of Wm. A. A. Wallace; read second time, and, on motion of Mr. Paschal, referred to a select committee.

Messrs. Paschal, Hill and McAnelly were appointed said committee.

Joint resolution requiring the Governor to contract for the translation and publication of hundred copies of the general laws of the present Legislature, in the German and Spanish languages; read second time, and, on motion of Mr. Kyle, referred to the committee on Finance.

A bill to fix and establish the per diem and mileage pay of the members of the Legislature of the State of Texas, with the report of the committee on Finance, recommending a substitute therefor; read, and report adopted.

Mr. Durst offered the following amendment: strike out "four," wherever it occurs, and insert "five."

On motion of Mr. Holland, there was a call of the Senate, and the Sergeant-at-Arms despatched for absentees.

On motion of Mr. Edwards, Mr. Armstrong was excused from attendance for the day.

On motion of Mr. Potter, Mr. Allen was excused from the Senate on account of sickness.

A bill for the relief of James W. Parker; read.

Mr. Guinn moved to make it the special order of the day for Saturday, the 10th inst.; lost.

On motion of Mr. Lott, the bill was laid on the table.

On motion of Mr. Potter, a bill to incorporate the Texas and Red River Telegraph Company was taken up.

Mr. McAnelly moved to adjourn until 3 o'clock P. M.; lost.

Mr. Hill moved to adjourn until to-morrow morning at 9 o'clock; lost.

Mr. Potter offered the following amendment to the last mentioned bill, to come in at the end of the third section:

Provided, That the Legislature shall at all times have the right to regulate the tariff of charges of said company, so that the net income of the same shall not exceed fifteen per cent. per annum on the capital stock of said company; adopted, and the yeas and nays being called for, the bill passed unanimously.

On motion of Mr. Hill, the call of the House was suspended.

On motion of Mr. Durst, Messrs. Sublett and Lytle were excused from attendance on the Senate.

On motion of Mr. Paschal, Mr. Superviele was granted leave of absence for the day.

On motion of Mr. McAnelly, the bill to fix and establish the per diem and mileage pay of the members of the Legislature of the State of Texas, was made the special order of the day for tomorrow at 11 o'clock.

On motion of Mr. Bryan, a bill to provide for the erection and furnishing of a residence and out-buildings for the Governor of the State of Texas, was taken up.

Mr. Bryan offered the following amendment:

Strike out, in the 9th line of the 5th section, the words "said sale," and insert in lieu thereof the words "all sales after the first sale day;" adopted.

Mr. Scott moved to strike out "twenty-five thousand" wherever it occurs, and inserting "fifteen thousand;" carried by the following vote:

YEAS—Messrs. Burks, Edwards, Gage, Guinn, Holland, Jowers, Lott, Martin, McAnelly, Newman, Paschal, Pedigo, Scott, Taylor, Weatherford, Whitaker and Wren—17.

NAYS—Messrs. Bryan, Doane, Durst, Hill, Kyle, Potter and Scarborough—7.

Mr. McAnelly moved to reconsider the vote just taken: lost.

On motion of Mr. Scott, "twenty thousand" was stricken out, and "twelve thousand five hundred" inserted.

On motion of Mr. Scott, "five thousand" was stricken out, and "two thousand five hundred" inserted.

On motion of Mr. Kyle, the bill was made the special order of the day for Tuesday, the 13th inst.

A bill to amend an act of limitations, approved February 5th, 1841; read second time, and, on motion of Mr. Bryan, referred to the committee on the Judiciary.

A bill creating the county of Lafayette; read second time, and, on motion of Mr. Weatherford, referred to the committee on Counties and County Boundaries.

A bill to amend the 9th and 10th sections of an act to regulate the license and practice of attorneys and counsellors-at-law, ap-

proved May 12th, 1846; read second time, and, on motion of Mr. Potter, referred to the committee on the Judiciary.

Report of Mr. Potter, chairman of the committee on the Judiciary, recommending that a resolution inquiring into the propriety of organizing a new judicial district to be composed of the counties of Tarrant, &c., and a like resolution as to the formation of a district composed of the counties of Harrison, &c., be referred to the committee on Judicial Districts; read and adopted.

The following communication and accompanying document were read, and, on motion of Mr. Keenan, referred to the committee on Public Buildings:

EXECUTIVE DEPARTMENT, STATE OF TEXAS, }
Austin, December 6, 1853. }

Gentlemen of the Senate

and House of Representatives:

Transmitted herewith, I have the honor to lay before you an account of Mr. S. M. Swenson, of this city, for the storage, &c., of the furniture purchased by the agent, Eli Kirk, Esq., for the State Capitol. The charges for the storage, &c., appearing to me very reasonable, the account has my approval; and as the appropriation for the purchase of this furniture is nearly exhausted, the unexpended balance being barely sufficient to pay the cost of hauling it from Port Lavaca to this city, I would respectfully recommend that your honorable bodies make a suitable provision to meet the contingency thus presented.

The account of Messrs. R. M. Forbes & Co., of Lavaca, for warehousing, &c., when received, will also require similar action on the part of the Legislature to provide for its payment.

JAMES W. HENDERSON.

1853. *State of Texas in account with S. M. Swenson.*

Sept. 14,	To 1 hatchet per Kirk,	\$1 25
"	" 1 hammer, "	50
"	" 1 8-4 chisel, "	1 20
"	" 1 nail claw, "	75
"	" 1 tenon saw, "	3 00
"	" 1 bunch rope, "	15
Nov. 26,	" storage on furniture, from August 15, 1853, to November 26,	400 00
"	" 24 days labor receiving same, \$1 25,	30 00
"	" 2 " opening, \$1 25,	2 50
"	" 18 " discharging, \$1 25,	22 50
"	" 2 " receiving, \$1 25,	2 50
	Labor on balance to arrive,	3 00

\$467 35

NOTE.—The tools charged above were delivered to Mr. E. Kirk, and used in opening the boxes, and now in keeping of said Mr. Kirk. The storage, at usual rates, say ten cents per barrel, or five cubic feet per month, would amount to at least 50 per cent. more than the above charge of \$400.

There is yet to arrive a few loads of furniture, for which no additional charge will be made. I have charged, above, three dollars on the lot to arrive.

S. M. SWENSON.

Austin, December 1st, 1853.

A bill to amend the twenty-second section of an act to regulate railroad companies, approved February 7th, 1853; read, and ordered to be engrossed.

A bill to permit and require Stewart Perry, or his assignee, to present his claim to the auditorial board, with the report of the committee on Public Debt, asking to be discharged from the further consideration of the same; read, report adopted, and, on motion of Edwards, bill laid on the table.

A bill relative to certain liabilities reported by the Auditor and Comptroller and confirmed by the Legislature; on motion of Mr. Scott, laid on the table.

A bill to amend the 31st and 64th sections of an act to organize justices' courts, and to define the powers and jurisdiction of the same, approved March 20th, 1848; read and ordered to be engrossed.

A bill for the relief of Larkin Adamson; read third time, and, on motion of Potter, laid on the table.

A bill for the relief of Andrew McMahon; read second time, and, on motion of Mr. Scott, referred to the committee on Public Lands.

A bill to incorporate the Aranama College; read, and ordered to be engrossed.

A bill to prevent vice and immorality on the Sabbath, with the report of the select committee, recommending a substitute therefor; read and substitute adopted.

Mr. McAnelly moved to make the bill the special order of the day for Saturday, the 10th inst.; lost.

On motion of Mr. Holland, the Senate adjourned, to convene at the Senate Chamber, in the new Capitol, on to-morrow morning at 10 o'clock.